

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Request for Extension of Time to)	
Construct Digital Facilities)	File No. BEPCDT-20020301ADN
WIS-DT, Columbia, South Carolina)	ID No. 13990
)	

MEMORANDUM OPINION AND ORDER

Adopted: September 10, 2002

Released: September 16, 2002

By the Chief, Media Bureau:

1. The Media Bureau (the "Bureau") has before it a petition filed by LibCo, Inc. ("LibCo") seeking reconsideration of the Bureau's June 3, 2002, letter denying its request for an extension of time to construct the digital facilities for WIS-DT and admonishing LibCo for failing to meet the May 1, 2002, construction deadline for DTV facilities. For the reasons stated below, we deny the petition.

2. In its petition, LibCo argues that the Bureau erred in concluding that LibCo's showing contained no reasonable plan or projected date by which any DTV facility might be constructed or placed in operation. LibCo contends that it had specific objectives and plans to implement its DTV conversion, which it claims to have outlined and supported in its request for extension. Review of its petition and extension request casts doubt on the cogency of those plans. LibCo admits that it has known since 1998 that its current tower would have to be strengthened or replaced to accommodate the station's analog and digital antennae. In its petition, LibCo states that it investigated the possibility of a community tower, but that SpectraSite, its tower contractor, walked away from the deal in June 2001. LibCo asserts that it continued to "investigate" the possibility of a community tower, but determined in January 2002 that it could utilize its existing tower for its own antennae following reinforcement of the tower, but delayed making contractor commitments as it continued to try and develop some sort of community tower arrangement. LibCo states that it finally abandoned the community tower concept and in June 2002 signed a contract with Kline Towers to reinforce the WIS-TV tower. LibCo projects that reinforcement will be complete by December 1, 2002 and that DTV operations will commence by January 3, 2003. As of the date of its petition, however, LibCo had not even ordered its DTV transmitter, making its projected operational date questionable. Although LibCo does include a "Construction Report and Action Plan" in its petition, elsewhere in its petition it refers to its timeline as a "best guess." Requests for extensions of time to construct a facility cannot be grounded in guesswork, but must be supported by reasonable projections which rely on known facts. Based on the representations in LibCo's petition and its extension request, therefore, the Bureau's original conclusions were justified.

3. ACCORDINGLY, IT IS ORDERED, THAT the petition filed by LibCo, Inc. seeking reconsideration of the Bureau's June 3, 2002, letter denying its request for an extension of time to

construct the digital facilities for WIS-DT and admonishing LibCo for failing to meet the May 1, 2002, construction deadline for DTV facilities IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree
Chief, Media Bureau